

REMARKS

The office action and the citations referred to in the office action have been carefully considered.

Claims 1-39 are the pending claims being examined in the application, of which claims 1, 10, 24, 36, and 39 are the independent claims. Claims 40-44 are withdrawn. In addition, claim 19 has been canceled.

Claims 1, 4, 7-10, 20-25, 27-29, 31-33, 35-37, and 39 have been amended. Support for the amendments to these claims can be found, among other locations of the specification, at paragraphs 13, 19-20, and 24-26 of the present patent application specification, as well as page 22 of U.S. Provisional Patent Application No. 60/438,885, which is incorporated by reference by the present patent application. Therefore, no new matter has been added.

For the reasons set forth below, all pending claims are believed to be allowable, and such action is earnestly solicited. Reconsideration and further examination are respectfully requested.

Claim rejection - 35 USC §112

By the Office Action, claim 4 stands rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. In particular, the Office Action notes that, in claim 4, the phrase “where the location is a tour operator” is indefinite, and that it is unclear to the Examiner how a location can be a person. In response, claim 4 has been amended accordingly in order to overcome this rejection.

Claim rejections - 35 USC §103

By the Office Action, independent claims 1, 10, 24, 36, and 39 stand rejected under 35 USC §103(a) over U.S. Patent Publication No. 2007/0276753 by Bleser, et al. (“Bleser”) in view

of U.S. Patent No. 5,181,786, issued to Hujink ("Hujink"). Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

Turning to the specific language of the claims, independent claims 1, 10, 24, 36, and 39, as presently amended, provide programmed media representing admission to a venue. No additional data is written or stored onto the media card at any time during or after the sale and/or activation of the media card since the media card is programmed prior to being delivered to the point of sale.

The present disclosure teaches a system and method for dynamic advance purchase of admission to a venue. (See paragraph [0011] of the present patent application). This system and method employs programmed media, in the form of a card, that is available for sale at stores. (See paragraph [0012]). The programmed media has a specific admission entitlement pre-assigned to it before it is offered for sale. (See paragraph [0013] of the present patent application; also see page 22 of the provisional patent application, which states "a process and method for directly merchandising pre-produced, pre-encoded, tickets in a guest-facing sales location...").

Each programmed media has a unique identification (ID) means associated with it. (See paragraph [0013] of the present application). At the point of sale of the programmed media, a database is updated to reflect that the unique ID is activated, thereby causing the programmed media to be activated to allow for admission. (See paragraph [0014], which states, "[w]hen the card is purchased at the point of sale, the identification means, which may for example be a number, is used to update the database record and thereby activated [sic] for use." Also see paragraph [0026]). As such, upon activation of the programmed media, no data is written or stored onto the programmed media card itself since the media is programmed.

Bleser, in contrast, teaches a system and method for selling a gift card at a store location of a first retailer for exclusive use at a second retailer. (See the abstract). A "gift card" as defined in Bleser "is intended to include all types of portable storage devices, such as cards, certificates and other documents capable of storing or denoting a credit value. This definition includes

conventional credit card style giftcards, on which information may be stored, phone cards, and smart cards, which may store, process, and update information, among other storage media.” (See paragraph [0012] of Bleser). During activation of the gift card, “the giftcard is swiped through a card reader and a credit value corresponding to the desired amount is automatically activated.” (See paragraph [0018]). As such, it is evident that upon activation of the gift card of Bleser, the card reader writes or stores the activated credit value onto the gift card itself. Therefore, since Bleser does disclose that upon activation of the gift card, additional data is written or stored onto the gift card relating to a monetary amount, Bleser does not teach or suggest the claimed limitation of programmed media representing admission to a venue.

Also, in contrast to the present disclosure, Hujink teaches a process and apparatus for producing admission tickets featuring electromagnetically stored and detectable information. (See column 1, lines 5-7 of Hujink). When a customer purchases admission to a certain venue, a special ticket dispenser machine prepares and issues an admission ticket for that particular venue. (See column 3, lines 21-26). The admission ticket will have all of the related information electronically stored onto it. (See column 3, lines 35-43, which state, “[i]n this admission ticket all characteristic information related to the chosen type, which information also originates from a minicomputer, is registered electronically. For that purpose the admission ticket preferably involves a card shaped responder with an electronic circuitry with integrated circuits.”) As such, it is clear that upon generation of the admission ticket of Hujink, electronic information is written or stored in the electronic circuitry of the admission ticket. Thus, since Hujink does disclose that upon generation of the admission ticket additional data is written or stored in the electronic circuitry of the admission ticket, Hujink does not teach or suggest the claimed limitation of programmed media representing admission to a venue.

Therefore, since the claimed limitation of programmed media representing admission to a venue is not believed to be present in or suggested by the cited references, independent claims 1, 10, 24, 36, and 39 are now believed to patentably distinguish over the cited references in any combination. Dependent claims 2-9, 11-23, 25-35, 37, and 38 are, thus, also now believed to be allowable.

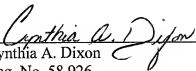
Conclusion

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 054317-021101 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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